IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WA.No. 1059 of 2007()

APPELLANT: PETITIONER:

N. PRABHAKARAN, S/O. NARAYANAN,
AGED 68, PROPRIETOR, M/S. AISWARYA ICE PLANT
SV MARKET P.O., KARUNAGAPPALLY, KOLLAM DISTRICT.

BY ADV. SRI.S.V.RAJAN

RESPONDENTS: RESPONDENTS:
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1. KERALA FINANCIAL CORPORATION,
HEAD OFFICE, VELLAYAMBALAM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE CHIEF MANAGER,
KERALA FINANCIAL CORPORATION, BRANCH OFFICE,
AGC COMPLEX, BEACH ROAD, KOLLAM.

BY ADV. SRI.A.A.ABUL HASSAN, SC, KFC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T. SANKARAN, J.

W.A. NO. 1059 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

H.L.DATTU, C.J.

This appeal is filed against the interim order passed by the learned single Judge of this Court in W.P.(C) No.8808 of 2007, dated 30th March, 2007. The interim order passed reads as follows:

> "2. The interim order will continue for a period of four months on condition that the petitioner deposits an amount of Rs.Three lakhs per month payable on or before the last working day of every month commencing from April, 2007, without fail. If there is any default in remitting any of the aforesaid instalments, the benefit of this interim order will stand recalled automatically."

2. This Court on 13th April, 2007 has observed:

> "We find no reason to interfere with the interim order passed by the learned single Judge. If any variation is required appellant may do it."

3. In view of the orders so passed, in our opinion, the only thing that requires to be done by us

today is to reject the Writ Appeal with liberty to the appellant, if he so desires, to approach the learned single Judge for modification and variation of the interim order passed on 30th March, 2007. Accordingly, the following:

The appeal is rejected. However, liberty is reserved to the appellant to make appropriate application before the learned single Judge, if he so desires, for modification of the interim order passed on 30th March, 2007.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/

H.L.DATTU, C.J.&
K.T.SANKARAN, J.

W.A.NO. OF 2007

JUDGMENT

May, 2007